

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 2071 be amended to read as follows:

- 1 Page 1, line 3, delete "countywide".
- 2 Page 1, line 5, delete "county" and insert "**consolidated city**".
- 3 Page 1, line 5, delete "departments" and insert "**department**".
- 4 Page 1, line 6, delete "and the excluded cities".
- 5 Page 1, line 8, delete "and the excluded".
- 6 Page 1, line 9, delete "cities".
- 7 Page 1, line 12, delete "departments" and insert "**department**".
- 8 Page 1, line 12, delete ", Speedway,".
- 9 Page 1, line 13, delete "Lawrence, Southport, and Beech Grove".
- 10 Page 1, line 16, delete "Indianapolis," and insert "**Indianapolis be**".
- 11 Page 2, delete line 1.
- 12 Page 2, line 18, delete "and the excluded cities,".
- 13 Page 2, line 19, delete "as referenced in IC 36-3-1-7,".
- 14 Page 2, line 22, delete "and the excluded cities".
- 15 Page 2, line 24, delete "county," and insert "**county and**".
- 16 Page 2, line 24, after "city" delete ", and the" and insert ".".
- 17 Page 2, delete line 25.
- 18 Page 2, line 27, delete ":".
- 19 Page 2, line 28, delete "(1)".
- 20 Page 2, run in lines 27 and 28.
- 21 Page 2, line 28, delete "; and".
- 22 Page 2, delete line 29.
- 23 Page 2, run in lines 28 and 30.
- 24 Page 2, line 39, delete "or an excluded city".

- 1 Page 2, line 41, delete "or an excluded city".
- 2 Page 2, line 42, delete "or the".
- 3 Page 3, line 1, delete "excluded city".
- 4 Page 3, line 8, delete "or an excluded city".
- 5 Page 3, line 17, delete "or an excluded city".
- 6 Page 3, line 28, delete "or an excluded city".
- 7 Page 3, line 42, after "city;" insert "**and**".
- 8 Page 4, line 2, delete "; and" and insert ".".
- 9 Page 4, delete lines 3 through 4.
- 10 Page 4, delete lines 9 through 13.
- 11 Page 4, line 14, delete "(f)" and insert "(e)".
- 12 Page 4, line 19, delete "(g)" and insert "(f)".
- 13 Page 4, line 20, delete "," and insert "**and**".
- 14 Page 4, line 21, delete ", and the excluded cities referenced in
- 15 IC 36-3-1-7 that have".
- 16 Page 4, line 22, delete "not opted out under subsection (e)".
- 17 Page 4, line 24, delete "that opts out under subsection (e)".
- 18 Page 4, line 27, after ";" insert "**and**".
- 19 Page 4, line 29, delete "and".
- 20 Page 4, delete lines 30 and 31.
- 21 Page 4, line 37, after ";" insert "**and**".
- 22 Page 4, line 39, delete "; and" and insert ".".
- 23 Page 4, delete lines 40 through 41.
- 24 Page 5, line 8, after ";" insert "**or**".
- 25 Page 5, line 9, delete "or".
- 26 Page 5, delete lines 10 through 11.
- 27 Page 5, line 13, after ";" insert "**or**".
- 28 Page 5, line 14, delete "or".
- 29 Page 5, delete lines 15 through 16.
- 30 Page 5, line 25, after ";" insert "**or**".
- 31 Page 5, line 26, delete "or".
- 32 Page 5, delete lines 27 through 28.
- 33 Page 5, line 36, delete "," and insert "and".
- 34 Page 5, line 37, delete "or an excluded city that has not".
- 35 Page 5, line 38, delete "opted out under subsection (e),".
- 36 Page 6, line 6, after "city" delete "," and insert "**or**".
- 37 Page 6, line 7, delete ", or an excluded city that has not opted out
- 38 under" and insert ";".
- 39 Page 6, delete line 8.
- 40 Page 6, after line 11, begin a new paragraph and insert:
- 41 "SECTION 4. [EFFECTIVE JULY 1, 1999] (a) **This SECTION**
- 42 **applies only to a county having a consolidated city on July 1, 1999.**
- 43 **(b) If the following occur, this SECTION applies to an excluded**
- 44 **city referenced in IC 36-3-1-7:**
- 45 **(1) The county election board certifies to the state election**
- 46 **commission that a majority of the voters voting in the**

1 November 2, 1999, special election voted in favor of the public
2 question in SECTION 1(b)(1) of this act, concerning Marion
3 county law enforcement consolidation.

4 (2) The legislative body of an excluded city adopts a resolution
5 to opt into the law enforcement consolidation before
6 December 31, 2001, and the excluded city transmits a copy of
7 the resolution to the county recorder on or before December
8 31, 2001.

9 (c) As used in this SECTION, "excluded city" means an
10 excluded city that has adopted a resolution to opt into the Marion
11 county law enforcement consolidation.

12 (d) Before December 31, 2001, the county must consolidate the
13 police department of the excluded city with the county sheriff's
14 department under the control and authority of the county sheriff.

15 (e) On January 1, 2002, the law enforcement authority for the
16 police department of the excluded city is revoked, and the county
17 sheriff's department is the exclusive law enforcement agency for
18 the county and the excluded city.

19 (f) Before January 1, 2002, the county sheriff shall employ every
20 officer who is serving as a member of the police department of the
21 excluded city on December 31, 2001, as a member of the county
22 sheriff's department.

23 (g) A member of the police department who becomes a member
24 of the sheriff's department on January 1, 2002, as a result of this
25 act shall be given rank and seniority equivalent to the rank and
26 seniority held in the police department that the member was
27 serving in on December 31, 2001.

28 (h) If, before January 1, 2002:

29 (1) an agreement entered into with the police department of
30 the excluded city; or

31 (2) a judgment entered against the police department of the
32 excluded city;

33 requires the police department of the excluded city to make
34 payments after December 31, 2001, the holders of the obligations
35 are entitled to payment from the county sheriff's department after
36 December 31, 2001. The city-county council shall make any
37 necessary additional appropriation for the county sheriff's
38 department to fulfill the obligation.

39 (i) All buildings, facilities, and other real, personal, and mixed
40 property owned by the police department of the excluded city on
41 December 31, 2001, become the property of the county sheriff's
42 department on January 1, 2002, and no compensation is payable by
43 the county sheriff's department to the municipality for the
44 buildings, facilities, and other real, personal, and mixed property.

45 (j) All:

46 (1) pension and retirement plans and funds; and

(2) laws relating to pension and retirement plans and funds; in effect for an officer of the police department of the excluded city on December 31, 2001, continue in full force and effect without change. No rights or any person covered by a pension described in this SECTION are affected or diminished in any way by this act.

(k) An officer who becomes a member of the county sheriff's department as a result of this act may convert the member's benefits to the sheriff's pension not later than July 1, 2002.

(l) The legislative services agency shall prepare legislation for introduction in the 2002 session of the general assembly to:

(1) eliminate any references providing authority for the establishment of a police force, other than the county sheriff, in the excluded city;

(2) resolve any conflicts created by this act; and

(3) correct any other typographical, clerical, or spelling errors in the law resulting from the enactment of this SECTION.

SECTION 5. [EFFECTIVE JULY 1, 1999] (a) This SECTION applies only to a county having a consolidated city on July 1, 1999.

(b) If the following occur, this SECTION applies to an excluded city referenced in IC 36-3-1-7:

(1) The county election board certifies to the state election commission that a majority of the voters voting in the November 2, 1999, special election voted in favor of the public question in SECTION 1(b)(2) of this act concerning Marion County fire protection consolidation.

(2) The legislative body of an excluded city adopts a resolution to opt into the fire protection consolidation before December 31, 2001, and the excluded city transmits a copy of the resolution to the county recorder on or before December 31, 2001.

(c) As used in this SECTION, "excluded city" means an excluded city that has adopted a resolution to opt into the Marion County fire protection consolidation.

(d) The Marion County fire commission is expanded to include one (1) member appointed by the executive of the excluded city.

(e) Before December 31, 2002, the county must consolidate the fire department of the excluded city under the Marion County fire department.

(f) On January 1, 2003, the fire protection authority for the fire department of the excluded city is revoked, and the county fire department is the exclusive fire protection agency within the excluded city.

(g) Before January 1, 2003, the fire commissioner shall employ every officer who is serving on December 31, 2002, as a member of a fire department of the excluded city.

(h) A member of a fire department who becomes a member of

the county fire department on January 1, 2003, as a result of this act, shall be given rank and seniority equivalent to the rank and seniority held in the fire department of which the person was a member on December 31, 2002.

(i) If, before January 1, 2002:

(1) an agreement entered into with the fire department of the excluded city; or

(2) a judgment entered against the fire department of the excluded city;

requires the fire department to make payments after December 31, 2002, the holders of the obligations are entitled to payment from the county fire department after December 31, 2002. The city-county council shall make any necessary additional appropriations for the county fire department to fulfill the obligation.

(j) All buildings, facilities, and other real, personal, and mixed property owned on December 31, 2002, by a fire department of the excluded city, become the property of the county fire department on January 1, 2003, and no compensation is payable by the county fire department for the buildings, facilities, and other real, personal, and mixed property.

(k) All:

(1) pension and retirement plans and funds; and

(2) laws relating to pension and retirement plans and funds; in effect on December 31, 2002, for a member of a fire department of the excluded city, continue in full force and effect without change. No rights of any person covered by a pension described in this SECTION are affected or diminished in any way by this act.

(l) The legislative services agency shall prepare legislation for introduction in the 2003 session of the general assembly to:

(1) codify the authority of the Marion County fire department and the Marion County fire commission;

(2) eliminate any references providing authority for the establishment of a fire department, other than the county fire department, of the excluded city;

(3) resolve any conflicts created by this SECTION; and

(4) correct any other typographical, clerical, or spelling errors in the law resulting from the enactment of this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 2071 as printed February 17, 1999.)

Representative Crawford